



July 7, 2004 BZA  
September 1, 2004

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04AN0260

Mary K. and Kenneth C. Cyrus

Midlothian Magisterial District  
8600 Trabue Road

**REQUEST:** A six (6) foot Variance to the 7.5 foot side yard setback requirement for a one (1) story detached garage in a Residential (R-15) District.

**RECOMMENDATION**

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

**GENERAL INFORMATION**

**Location:**

Property is known as 8600 Trabue Road. Tax ID 756-721-7039 (Sheet 3).

**Existing Zoning:**

R-15

**Size:**

.8 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential and vacant  
South - R-15; Residential  
East - R-15; Residential and vacant  
West - R-15; Residential

Utilities:

Public water and private septic system

Transportation:

This request will not cause a sight distance problem along Trabue Road.

General Plan:

(Bon Air Community Plan)

Low density residential use

DISCUSSION

The applicants are proposing to construct a one (1) story detached garage 1.5 foot from the side property line (see attached site plan). The Zoning Ordinance requires a 7.5 foot setback. Therefore, the applicants request a six (6) foot Variance.

The applicants provide the following justification in support of this request:

This Variance is requested in order to build a single story detached garage approximately 1.5 feet from the existing side yard lot line. The proposed garage would be 12.1 feet from a shared fence currently separating my rear side yard from my neighbor's rear side yard. I currently have a deeded easement for an existing driveway that encroaches 10.7 feet into my neighbor's yard. My neighbors and I share a fence that extends from the driveway and separates the two (2) rear side yards. The slope of the other side yard and the slope of the rear yard are too severe to accommodate a garage.

Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the proposed garage could be redesigned or relocated on the property where it would meet setbacks and eliminate the need for this request.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to this garage only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the proposed garage as depicted on the plat attached to staff's report.

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CASE HISTORY

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07/06/04:

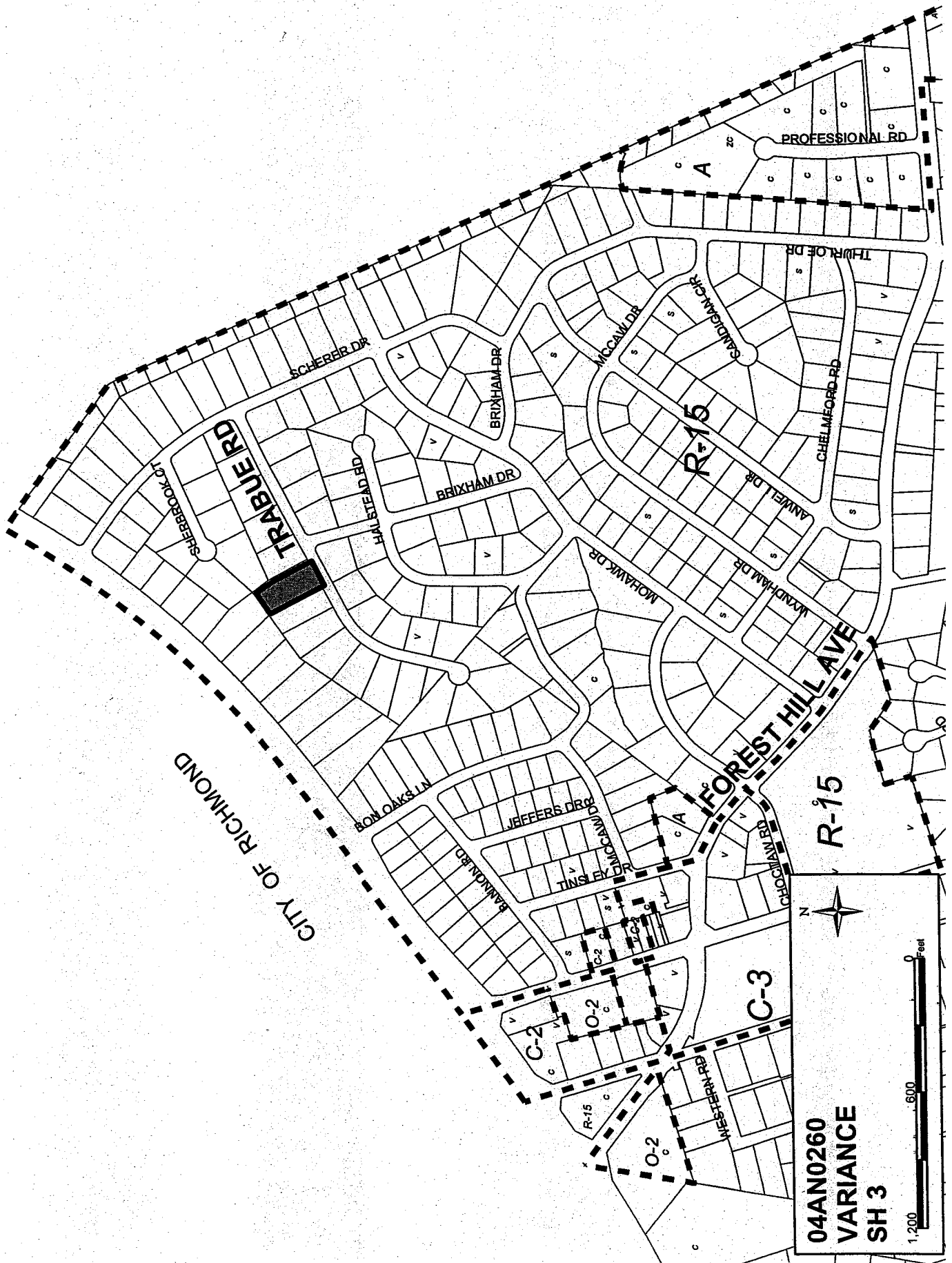
Staff received a letter from one of the applicants who advised he was out of the Country and could not attend the July 7, 2004, meeting. He requested that Case 04AN0260 be deferred to the September 1, 2004, meeting.

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07/07/04:

At the request of the applicants, the Board of Zoning Appeals deferred this request to their September 1, 2004, meeting.

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04AN0260  
VARIANCE  
SH 3

